

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MATTHEW CATANZARO,**

**Plaintiff,**

**vs.**

**CARR, et al.,**

**Defendants.**

**CIVIL ACTION NO. 10-CV-14554**

**DISTRICT JUDGE NANCY G. EDMUNDS**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**ORDER DENYING PLAINTIFF'S MOTION FOR DISCOVERY (DOCKET NO. 48)**

This matter comes before the Court on Plaintiff's Motion for Discovery. (Docket no. 48). Defendant Marble filed a response to the motion. (Docket no. 52). All pretrial matters have been referred to the undersigned for action. (Docket no. 10). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(f). The motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff is a prisoner proceeding *pro se* who asks the Court to allow him to discover three categories of information. (Docket no. 48). However, there is no evidence that Plaintiff served discovery requests on any Defendant. Before filing a motion to compel discovery, Plaintiff must serve properly propounded discovery requests pursuant to the Federal Rules of Civil Procedure. Discovery should be served and responded to among the parties without court involvement unless a problem develops which requires court intervention. Plaintiff must attempt to obtain responses to his discovery requests from Defendants and, if that is unsuccessful, may file a motion to compel after the Defendants' time for responding has expired.

The Court has stayed discovery as to Defendants Anthony King, Stephen DeBoer, Robert

Carr, Rosana Souza, Cef Suarez, John Hull, William Czachowski, Linda Adams, Michael Olson, Rosalie Petty, Nick Ludwick, Angela (nee Brauer) Eichorn, and Patrick Pavlo. (Docket no. 72). If Plaintiff will seek discovery from the remaining Defendants, he should serve his discovery requests upon Defendants' counsel as is required by the Federal Rules of Civil Procedure. For the reasons stated, the Court will deny Plaintiff's Motion for Discovery without prejudice.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Discovery (docket no. 48) is **DENIED** without prejudice.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 2, 2011

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Order was served upon Matthew Catanzaro and Counsel of Record on this date.

Dated: September 2, 2011

s/ Lisa C. Bartlett  
Case Manager